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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 RODNEY L. EMIL,

11 Petitioner,

12 vs.

13 E.K. McDANIEL, *et al.*,

14 Respondents.  
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) 3:02-cv-00311-RLH-RAM  
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**ORDER**

16 This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. §  
17 2254, by a Nevada state prisoner represented by counsel. Petitioner has filed a motion to vacate the  
18 stay and to reopen this habeas corpus case. (Docket #45).

19 This action was dismissed without prejudice, and the case closed administratively,  
20 pursuant to a minute order entered August 29, 2007. (Docket #41). The dismissal resulted from  
21 petitioner's decision to return to state court to exhaust his state-court remedies with respect to certain  
22 of his grounds for relief.

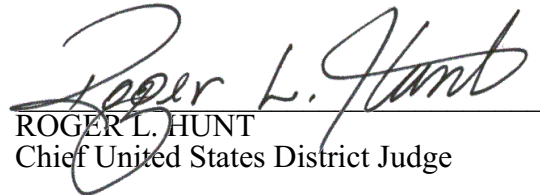
23 Petitioner's further state-court proceedings have apparently concluded, petitioner has  
24 now returned to this Court seeking to reopen this case. He advises he is ready to file an amended  
25 petition containing only exhausted claims. The Court will therefore grant petitioner's motion to  
26 reopen this case.

1                   **IT IS THEREFORE ORDERED** that petitioner's motion to vacate stay and reopen  
2 this action (Docket #45) is **GRANTED**.

3                   **IT IS FURTHER ORDERED** that the Clerk shall **REOPEN THE FILE**.

4                   **IT IS FURTHER ORDERED** that petitioner shall have **thirty (30) days** from the  
5 date of entry of this order to file and serve an amended petition. Respondents shall have **thirty (30)**  
6 **days** following service of the amended petition to file and serve an answer or other response to the  
7 amended petition.

8                   DATED this 17<sup>th</sup> day of December, 2010.

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11                   ROGER L. HUNT  
12                   Chief United States District Judge  
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